

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: None

Also in attendance: James Gelios, Deputy Clerk
Jerome R. Schmeiser, Community Planning Consultant
Lawrence W. Dloski, Township Attorney
James Van Tiflin, Township Engineer of Spalding DeDecker
& Associates. (Additional attendance record on file with
Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Clerk KOEHS called the Roll Call. All members present.

2. Approval of Agenda Items (with any corrections)

MOTION by BUCCI seconded by MALBURG to approve the amended agenda as discussed.

MOTION carried.

3. Approval of Bills

MOTION by KRZEMINSKI seconded by DUNN to approve both of the Bill runs as submitted.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

MOTION carried.

4. Approval of the October 12, 2005 previous Meeting Minutes

MOTION by DUNN seconded by NEVERS to approve the revised October 12, 2005 previous Meeting Minutes as submitted.

MOTION carried.

5. **CONSENT AGENDA ITEMS:**

5A. **Clerks Department:**

1. Wall Sign Bond Return; Mattress USA; 15627 Hall Road

5B. **Department Monthly Reports:**

1. Macomb County Sheriffs Department
2. Building Department
3. Fire Department
4. Parks and Recreation Department
5. Water/Sewer Department

5C. **Water & Sewer Department:**

1. Easement Encroachment Agreement, Lot 45, Fieldstone Estates Subdivision.

MOTION by BUCCI seconded by MALBURG to approve the consent agenda items as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: None

PUBLIC HEARING:

7. **Special Assessment District; Street Lighting; Pinnacle Woods Subdivision;** Located on the south side of 23 Mile, 330 feet west of Townships limits; Landtec Development, Petitioner. Permanent Parcel No. 08-24-226-018.

Supervisor BRENNAN reviewed the request and opened the public hearing at 7:05 p.m.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Public Portion: None

MOTION by BUCCI seconded by KOEHS to close the public hearing at 7:07 p.m.

MOTION carried.

MOTION by DUNN seconded by NEVERS to adopt the resolution to approve the Special Assessment District; Street Lighting; Pinnacle Woods Subdivision Permanent Parcel No. 08-24-226-018. The resolution is as follows:

**Street Lighting Pinnacle Woods Subdivision
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 26, 2005, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member NEVERS.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare.

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Pinnacle Woods Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Nine Thousand One Hundred Fifty dollars and 96/100 (\$9,150.96). Three times the annual cost is Twenty Seven Thousand Four Hundred Fifty Two dollars and 88/100 (\$27,452.88). Total project cost is Eighty Four Thousand Sixty dollars and 43/100 (\$84,065.43). The petitioner contribution amount is Fifty Six Thousand Five Hundred Twelve dollars and 55/100 (\$56,512.55). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS, BRENNAN.

NAYS: NONE.

ABSENT: NONE.

**MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK**

RESOLUTION DECLARED ADOPTED.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

8. **Special Assessment District; Detention Basin; Legacy Farms Subdivision No. 1;** Located on the west side of Fairchild, approximately ¼ mile north of 22 Mile Road; Classic Development, Petitioner. Permanent Parcel No. 08-24-401-004.

Supervisor BRENNAN reviewed the request and opened the public hearing at 7:07 p.m.

Public Portion: None

MOTION by MALBURG seconded by KOEHS to close the public hearing at 7:08 p.m.

MOTION carried.

MOTION by DUNN seconded by KOEHS to approve and adopt resolution no. 2 to approve the Special Assessment District; Detention Basin; Legacy Farms Subdivision No. 1; Permanent Parcel No. 08-24-401-004. The resolution is as follows:

RESOLUTION NO. 2 Legacy Farms Subdivision

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 26, 2005 at 7:00 o'clock P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member BUCCI.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated September 28, 2005, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating detentions basns described in Exhibit "A" attached; and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 196 as amended, (the "Act"), proper notice having been given, a hearing was held on September 28, 2005, on creation and maintaining the detention basin, including but not limited to the operation and maintenance, the cutting of grass and the removal of weeds and other debris, by special

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

assessment on the property benefited thereby. At such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the detention basins, by special assessment was approved; and

WHEREAS, the Special Assessment District consists of proposed Lots 1 through 174, inclusive, Legacy Farms Subdivision (the "Plat"), as approved by the Township, located on a portion of the land described in Exhibit "B" attached thereto; and

WHEREAS, Lots 1 through 174, inclusive, within the Plat are benefited by the detention basin; and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the detention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That the Special Assessment District created by resolution on September 28, 2005, and approved at a public hearing on October 26, 2005 is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.

2. That the authority to defray the cost of operating and maintaining the sediment basin, by special assessment on the property benefited thereby as adopted by the Township by resolution on September 28, 2005, and approved a public hearing on October 26, 2005 is confirmed.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said detention basin, the Township shall prepare a special assessment roll, determine the annual cost of the operation and maintenance of the detention basins, establish an annual special assessment levy, and prepare a plan to spread the assessment levy of each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the detention basins multiplied by a fraction, the numerator of which is one (1) and the denominator of which is 91.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

4. That after the determination of the annual cost of the operation and maintenance of the detention basin, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect, or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: DUNN, BUCCI, MALBURG, NEVERS, KRZEMINSKI, KOEHS, BRENNAN.

NAYS: NONE.

ABSENT: NONE.

Michael D. Koehs, CMC
Macomb Township Clerk

RESOLUTION DECLARED ADOPTED.

PLANNING COMMISSION:

9. **Rezoning; Agricultural (AG) to Residential One Family Urban (R-1);** Located north of 22 Mile Road approximately 345' east of future Garfield Road; GTR Builders, Petitioner. Permanent Parcel No. 08-20-300-002. **(Tabled from the August 10, 2005 Meeting)**

Jerome R. Schmeiser, Community Planning Consultants, reviewed the recommendation of the Planning Consultant to deny the proposal since the rezoning is inconsistent with the goals of the Master Plan.

Lawrence Dloski, Township Attorney, discussed recent court rulings and advised the Township to approve the rezoning.

Petitioner Present: Tom Kalas

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

MOTION by KOEHS seconded by DUNN to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-20-300-002.

MOTION carried.

10. **Rezoning; Agricultural (AG) to Residential One Family Urban (R-1);** Located north of 22 Mile Road and east of future Garfield Road; GTR Builders, Petitioner. Permanent Parcel No. 08-20-300-013. **(Tabled from the August 10, 2005 Meeting)**

Jerome R. Schmeiser, Community Planning Consultants, reviewed the recommendation of the Planning Consultant to deny the proposal since the rezoning is inconsistent with the goals of the Master Plan.

Lawrence Dloski, Township Attorney, discussed recent court rulings and advised the Township to approve the rezoning.

Petitioner Present: Tom Kalas

Public Portion: None

MOTION by DUNN seconded by KOEHS to approve the Rezoning Request from Rezoning Agricultural (AG) to Residential One Family Urban (R-1) Permanent Parcel No. 08-20-300-013.

MOTION carried.

11. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located on the east side of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-005.

Tabled indefinitely at the petitioners request.

12. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located on the east side of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-006.

Tabled indefinitely at the petitioners request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

13. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located on the east side of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-007.

Tabled indefinitely at the petitioners request.

14. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located on the east side of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-011.

Tabled indefinitely at the petitioners request.

15. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-001.

Tabled indefinitely at the petitioners request.

16. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-002.

Tabled indefinitely at the petitioners request.

17. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-004.

Tabled indefinitely at the petitioners request.

18. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-005.

Tabled indefinitely at the petitioners request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

19. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-006.

Tabled indefinitely at the petitioners request.

20. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-007.

Tabled indefinitely at the petitioners request.

21. **Final Plat; Brook Run South Subdivision (14 Lots);** Located on the south side of 22 Mile Road and east of Romeo Plank Road; GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-011

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Christopher Cousino

Public Portion: None

MOTION by KOEHS seconded by BUCCI to approve the Final Plat for Brook Run South Subdivision (14 lots) and direct the Township Clerk to sign the mylar. Permanent Parcel No. 08-28-101-011.

MOTION carried.

22. **Tentative Preliminary Plat (Revised); West Park Estates Subdivision (66 Lots);** Located on the north side of 25 Mile Road, approximately 975 feet east of Luchtman Road; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Angelo Sbrocca

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

MOTION by BUCCI seconded by DUNN to approve the Tentative Preliminary Plat (Revised); West Park Estates Subdivision (66 Lots) with the condition that revised landscape plans be submitted showing a setback of 20' instead of 19'11" for the wall located east of West Park Lane and pursuant to fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-04-300-005.

MOTION carried.

23. **Final Preliminary Plat; West Park Estates Subdivision (66 Lots);** Located on the north side of 25 Mile Road, approximately 975 feet east of Luchtman Road; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Angelo Sbrocca

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the Final Preliminary Plat; West Park Estates, pursuant to fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-04-300-005.

MOTION carried.

24. **Land Division Variance; Clearstone Subdivision (118 lots);** Located on the southwest corner of 26 Mile Road and Luchtman Road; Lehner Associates, Petitioner. Permanent Parcel No. 08-05-200-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Bill Thompson

Public Portion: None

MOTION by KOEHS seconded by BUCCI to approve the Land Division Variance Request; Clearstone Subdivision specifically for Section 17-114 and 17-145 - to delay the completion of the landscaping and asphalt pathway prior to the Final Plat approval until June 1, 2006 and pursuant to

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-05-200-011.

MOTION carried.

NEW BUSINESS:

25. Request to Pay Insurance Deductible regarding Simonne Grabow vs Macomb Township

MOTION by DUNN seconded by KRZEMINSKI to table the matter to the next Board of Trustees Meeting for the Request to Pay Insurance Deductible regarding Simonne Grabow vs Macomb Township.

MOTION carried.

26. Model Permits; Brook Run South Subdivision; Lot Numbers:
1, 10, 12 and 14 Christopher Cousino, Petitioner

Supervisor BRENNAN reviewed the request.

Petitioner Present: Christopher Cousino

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the Model Permits for Brook Run South Subdivision specifically for lot numbers 1,10,12 and 14. Section 28

MOTION carried.

27. T - Mobile Lease Agreement

Removed indefinitely at the petitioner's request.

28. **Temporary Certificate of Occupancy Requests; Romeo Plank Crossing;** Located on the southeast corner of Romeo Plank Road and 23 Mile Road; David Morelli, Petitioner. Permanent Parcel No. 08-20-200-046. *(Previous requests were granted for 60 days)*

- A. Elegant Creations – Tbl'd from Twp Bd 10-12-05 Meeting
- B. The Coney Grille
- C. USA Credit Union

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Supervisor BRENNAN reviewed the request.

Petitioner Present: David Morelli and Thomas Alter of USA Credit Union

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the Temporary Certificate of Occupancy Request for Romeo Plank Crossing; Elegant Creations. Property Address: 50966 Romeo Plank Road Permanent Parcel No. 08-20-200-046.

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Temporary Certificate of Occupancy Request for Romeo Plank Crossing; The Coney Grille. Property Address: 50882 Romeo Plank Road. Permanent Parcel No. 08-20-200-046

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Temporary Certificate of Occupancy for Romeo Plank Crossing; USA Credit Union conditioned upon a final inspection completed to the satisfaction of the Township Fire Department. Property Address: 50786 Romeo Plank Rd. Permanent Parcel No. 08-20-200-046

MOTION carried.

29. **Temporary Certificate of Occupancy Request; Waldenburg Plaza (Warren Bank);** Located on the east side of Romeo Plank Road approximately 300 feet south of 22 Mile Road. Warren Bancorp., Petitioner. Permanent Parcel No. 08-28-101-010

Supervisor BRENNAN reviewed the request.

Petitioner Present: Damian S. Kassab

Public Portion: Guy Rizzo, property owner, expressed his concerns relating to the proposal.

MOTION by DUNN seconded by NEVERS to deny the Temporary Certificate of Occupancy Request for Warren Bank since all of the improvements to the site have not been completed by the developer. Permanent Parcel No. 08-28-101-010

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

FOR THIS MOTION: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

Addition:

29a. Meeting Date Change

MOTION by KOEHS seconded by DUNN to reschedule the Wednesday, November 23, 2005 Township Board of Trustees Meeting to Tuesday, November 22, 2005.

MOTION carried.

30. **Request to Schedule Public Hearing Date; November 23, 22 2005; Special Assessment District; Street Lighting; Chelsea Court Subdivision (14 lots);** Located on the south side of 22 Mile Road, approximately ½ mile west of Heydenreich Road. Cornerstone Land Development Co., Petitioner. Permanent Parcel No. 08-28-200-025

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to Schedule Public Hearing Date; November 22, 2005; Special Assessment District; Street Lighting; Chelsea Court Subdivision (14 lots); Permanent Parcel No. 08-28-200-025.

MOTION carried.

31. **Request to Schedule Public Hearing Date; November 23, 22, 2005; Special Assessment District; Street Lighting; Elan Estates Subdivision;** Located on the south side of 24 Mile Road, approximately ¼ mile east of Card Road; John Cavaliere, Petitioner. Permanent Parcel No. 08-14-100-003.

Supervisor BRENNAN reviewed the request.

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

MOTION by KOEHS seconded by NEVERS to Schedule Public Hearing Date; November 22, 2005; Special Assessment District; Street Lighting; Elan Estates Subdivision; Permanent Parcel No. 08-14-100-003.

MOTION carried.

32. **Request to Adopt Resolution No. 1 to Schedule the Public Hearing Date; November 23, 22, 2005; Special Assessment District; Detention Basin; Clearstone Subdivision;** Located on the southwest corner of 26 Mile and Luchtman Roads; Salvatore DiMercurio & Frank Karam, Petitioners. Permanent Parcel No. 08-05-200-011.

Supervisor BRENNAN reviewed the request.

Petitioner Present: Bill Thompson

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to Adopt Resolution No. 1 to Schedule the Public Hearing Date; November 22, 2005; Special Assessment District; Detention Basin; Clearstone Subdivision; Permanent Parcel No. 08-05-200-011. The resolution is as follows:

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 26, 2005, at 7:00 o'clock P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers

ABSENT: None.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member BUCCI.

WHEREAS, final plat approval of Clearstone Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Public Work Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of the Subdivision Control Act 1967, 1967 PA 288, (the "Act"), requiring that the proprietor(s) provide an adequate Storm Water detention basin, is satisfied; and

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

WHEREAS, the Proprietor and/or lot owners of the Plat are responsible for the maintenance and operation of the detention basin pursuant to and in accordance with a Declaration of Easements, Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and

WHEREAS, in the event the Proprietor and/or lot owners refuse, fail or neglect to maintain the detention basin which results in conditions threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and

WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the detention basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon lots 1 through 118 except Lots 34, 102 and 103 of the Plat which contribute storm drainage to the basin and all other benefited property, if any; and

WHEREAS, the Township acknowledges that there are additional properties which are being benefited by the use of the detention basin that is the subject of this Special Assessment District. These additional benefited properties are described as lots 1 through 265, inclusive, of the Winding Creek Subdivision (as recorded in Liber 153, Pages 27 through 42, inclusive, with the Macomb County Register of Deeds) are subject to a detention basin Special Assessment District previously established by the Macomb Township Board of Trustees on August 22, 2001 and recorded with the Macomb County Register of Deeds in Liber 10902, Page 935 for maintenance of the basin and lots 1 through 102, inclusive, of the Emerald Green Subdivision (as recorded in Liber 155, Pages 79 through 90, inclusive, with the Macomb County Register of Deeds) are subject to a detention basin Special Assessment District previously established by the Macomb Township Board of Trustees on June 11, 2003 and recorded with the Macomb County Register of Deeds in Liber 13908, Page 272 for maintenance of the basin and unplatted land in the Northeast $\frac{1}{4}$ of Section 5, T3N, R13E and described as property tax identification no. 08-05-200-011. This unplatted land is subject to a future Special Assessment District.

WHEREAS, it has been proposed that the special assessment levy be spread equally on each lot in the Special Assessment District.

WHEREAS, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operation and maintaining

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

the detention basin by special assessment on the property benefited thereby.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That, subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of Lots 1 through 118 except Lots 34, 102 and 103 within the Plat as shown thereon and additional adjacent building sites, and benefited property, if any.

2. That in declaring this Special Assessment District, the Township acknowledges that there are additional properties which are being benefited by the use of the detention basin that is the subject of this Special Assessment District. These additional benefited properties are described as lots 1 through 265, inclusive, of the Winding Creek Subdivision (as recorded in Liber 153, Pages 27 through 42, inclusive, with the Macomb County Register of Deeds) are subject to a detention basin Special Assessment District previously established by the Macomb Township Board of Trustees on August 22, 2001 and recorded with the Macomb County Register of Deeds in Liber 10902, Page 935 for maintenance of the basin and lots 1 through 102, inclusive, of the Emerald Green Subdivision (as recorded in Liber 155, Pages 79 through 90, inclusive, with the Macomb County Register of Deeds) are subject to a detention basin Special Assessment District previously established by the Macomb Township Board of Trustees on June 11, 2003 and recorded with the Macomb County Register of Deeds in Liber 13908, Page 272 for maintenance of the basin and unplatted land in the Northeast $\frac{1}{4}$ of Section 5, T3N, R13E, and described as property tax identification no. 08-05-200-011. This unplatted land is subject to future Special Assessment District.

3. That the Township Board give notice of and hold a public hearing on November 22, 2005 on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the detention basin by special assessment on the property benefited thereby. The operation and maintenance of the detention basin shall include, but not be limited to, the operation and maintenance of pumps and appurtenances, the cutting of grass and the removal of weeds and debris.

4. That the storm water detention basin provided by the proprietors is adequate to service the land within the special assessment

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

district and, accordingly, the conditions of Section 192 of the Act are deemed fulfilled.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.

AYES: KRZEMINSKI, BUCCI, DUNN, NEVERS, MALBURG, KOEHS, BRENNAN.

NAYS: NONE.

**Michael D. Koehs, CMC
Macomb Township Clerk**

RESOLUTION DECLARED ADOPTED.

- 33. Authorization for the Township Engineers to Perform a Sanitary Sewer Diversion Study; The Bluffs at Riverside;** Located on the south of 23 Mile Road and west of North Avenue. Anderson Eckstein and Westrick, Inc., Permanent Parcel Nos. 08-24-276-008, 08-23-201-003 and 08-23-251-001

James Van Tiflin, Township Engineer, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by MALBURG to authorize the Township Engineers to Perform a Sanitary Sewer Diversion Study; The Bluffs at Riverside; Located on the south of 23 Mile Road and west of North Avenue. Conditioned upon receipt of the required Four Thousand Dollar and 00/100 (\$4,000.00) deposit. Permanent Parcel Nos. 08-24-276-008, 08-23-201-003 and 08-23-251-001

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Addition:

33a. **Final Plat; Villagio Subdivision, Phase I;** Located on the south side of 26 Mile Road and west of Romeo Plank Road; Franco Mancini, Petitioner. Permanent Parcel No. 08-06-200-046. **(Tabled from the Township Board of Trustees Meeting of August 24, 2005)**

Jerome R. Schmeiser, Community Planning Consultant and John D. Brennan, Township Supervisor, reviewed the matter.

Petitioner Present: Franco Mancini and Thomas Kalas

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to approve Final Plat; Villagio Subdivision, Phase I; pursuant to fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-06-200-046.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to direct the Township Clerk to sign the mylar for the Final Plat for Villagio Subdivision Phase I pursuant to fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-06-200-046.

MOTION carried.

Addition:

33b. Model Permits; Villagio Subdivision; Lots Number 55, 56, 57 and 58

Jerome R. Schmeiser, Community Planning Consultant and John D. Brennan, Township Supervisor, reviewed the matter.

Petitioner Present: Franco Mancini and Thomas Kalas

Public Portion: None

MOTION by KOEHS seconded by MALBURG to approve the Model Permits for Villagio Subdivision specifically for lot numbers 55, 56, 57 and 58 pursuant to fulfilling the standard conditions as they relate to this proposal. Section 6

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Addition:

- 33c. **Final Plan; Strathmore Site Condominiums, Phase II;** Located on the south side of 26 Mile Road and east of Luchtman Road; Pulte Land Development, Petitioner. Permanent Parcel No. 08-04-100-029

Jerome R. Schmeiser, Community Planning Consultant and John D. Brennan, Township Supervisor, reviewed the matter.

Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the Final Plan; Strathmore Site Condominiums, Phase II; pursuant to fulfilling the standard conditions as they relate to this proposal. Permanent Parcel No. 08-04-100-029.

MOTION carried.

BROADCAST MEDIA DEPARTMENT:

34. Proposal for Equipment at Township Hall

James Gillis, Broadcast Media Manager, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by KOEHS to approve the request to purchase Production Equipment for the Township Hall Building through Roscor Corporation Design, who will install and support a broadcast capable system for the purpose of producing Macomb Township meetings for broadcast on cable TV for the total amount of Ninety Nine Thousand Three Hundred Eighty Five dollars and 00/100 (\$99,385.00).

MOTION carried.

FIRE DEPARTMENT:

35. Request permission to purchase EMS Parka's

Supervisor BRENNAN reviewed the request.

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

MOTION by DUNN seconded by NEVERS to approve the request to purchase EMS Parka's, with quilted liners through Excellent Police Equipment for the total cost of Four Thousand Seven Hundred Ninety Nine dollars and 75/100 (\$4,799.75)

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

36. Holiday Lighting Decoration

Salvatore DiCaro, Parks and Recreational Director, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the request for Holiday Lighting Decorating through Dubai Landscaping to decorate the Recreation Center and Township Hall Buildings for the upcoming holiday season for the total cost of Three Thousand Five Hundred dollars and 00/100 (\$3,500.00).

MOTION carried.

WATER & SEWER DEPARTMENT:

37. Memorandum of Understanding, 25 Mile Road Sanitary Sewer

David Koss, Water and Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to authorize Mr. David Koss the Township Water and Sewer Department Superintendent to administer the Memorandums of Understanding relating to the 25 Mile Road Sanitary Sewer.

MOTION carried.

38. DWSD Easement Encroachment Agreement, 24 Mile Sanitary Sewer Project, MA04-25

David Koss, Water and Sewer Superintendent, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the DWSD Easement Encroachment Agreement, 24 Mile Sanitary Sewer Project, MA04-25.

MOTION carried.

39. Temporary Batch Plant Agreement, Tony Angelo Cement Construction Company:
- A. Becher Estates Condominiums Batch Plant; Located north of Marseilles Drive, off of 22 Mile Road, approx. one-quarter mile east of Romeo Plank Road.
 - B. Legacy Estates Condominiums Batch Plant; Located on the east side of North Avenue just north of 21 Mile Road within the property being developed.
 - C. Golfview Estates Subdivision Batch Plant; Located on the east side of North Avenue just north of 21 Mile Road within the property being developed.

David Koss, Water and Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the Batch Plant Requests for Becher Estates, Legacy Estates Condominiums and Golfview Estates Subdivision for a timeframe of forty-five (45) days beginning October 31, 2005 and ending on or before December 15, 2005 as submitted.

MOTION carried.

40. Approval of Snow Equipment

David Koss, Water and Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the snow equipment through AIS Inc. ProTech for total cost Three Thousand Four Hundred dollars and 00/100 (\$3,400.00).

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

41. Purchase Requisitions:
- A. SLC Meter Service Inc.
 - B. Michigan Pipe and Valve
 - C. Gen Power

Addition:

- D. Request to Pay Certificate No. 4 MA03-015

Addition:

- E. Request to Pay Certificate No. 1 MA04-015P1

David Koss, Water and Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the purchase requisition request for meters and customer inst. through SLC Meter Service Inc. for the total cost of Twenty-Three Thousand Fifty Seven Dollars and 70/100 (\$23,057.70).

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to approve the purchase requisition request for water maintenance through Michigan Pipe & Valve for the total cost of Four Thousand Seven Hundred Sixty Six dollars and 59/100 (\$4,766.59).

MOTION carried.

MOTION by DUNN seconded by NEVERS to approve the purchase requisition request through Gen Power for Bldg. Grounds and Maintenance for the total cost of Two Thousand One Hundred Forty Five dollars and 88/100 (\$2,145.88).

MOTION carried.

BOARD COMMENTS:

42. Supervisor Comments:
- a. Discussion Regarding Moratorium on Commercial Zonings
 - b. Discussion Regarding Temporary Certificate of Occupancy
 - c. Request for Proposal for Single Waste Hauler
- Addition:
- d. Roof Repair Fire Station No. 2

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

Supervisor BRENNAN and the Township Attorney, Lawrence Dloski, held a detailed discussion regarding Moratoriums for office and commercial developments and the Townships policies relating to temporary certificate of occupancy requests.

Public Portion: Several local developers along with their legal counsel expressed their concerns relating to the proposed Moratorium on commercial and office zones as well as the Temporary Certificate of Occupancy procedures.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the Township to propose a moratorium for a time period of six (6) months on office and commercial rezonings in order to allow for a comprehensive land use study to determine where the office and commercial rezonings should be located in the Township. Further all applications relating to office and commercial rezonings submitted prior to this action will be held in abeyance until such time as we revise and update the master plan and then consider those petitions against the master plan.

MOTION carried. Clerk KOEHS voted no.

MOTION by KRZEMINSKI seconded by NEVERS to table indefinitely the discussion regarding Temporary Certificate of Occupancy procedures.

MOTION carried.

MOTION by KRZEMINSKI seconded by KOEHS to authorize the Township Attorney to draft the necessary Township Ordinance language and request for proposals to pursue a single waste hauler contract.

MOTION carried.

MOTION by KRZEMINSKI seconded by KOEHS to authorize CDPA Architects to oversee the bidding process and the repairing of fire station No. 2 roof for the total cost of One Hundred Sixteen Thousand Eight Hundred Ninety Two dollars and 00/100 (\$116,892.00).

MOTION carried.

43. Clerk Comments: None

44. Treasurer Comments: None

45. Trustees Comments: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, OCTOBER 26, 2005
AT 7:00 P.M.

ADJOURNMENT:

MOTION by BUCCI seconded by KOEHS to adjourn this meeting at 9:10 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh